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Joseph T. Guy, Ph.D.
Nexsen Pruet Jacobs & Pollard, LLC
PO Drawer 10648
Greenville SC 29603-0648

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OFFICE OF PETITIONS

In re Application of	:	
Joseph B. Fuller	:	DECISION ON
Application No. 09/944,922	:	PETITION UNDER
Filed: 31 August 2001	:	37 CFR 1.137(b)
Attorney Docket No. 29409/01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 23 May 2005, to revive the above-identified application. The instant application became abandoned for failure to reply to the official action mailed 15 November 2004.

The petition is **GRANTED**.

The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal pursuant to 37 CFR 41.31; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of 15 November 2004 is accepted as having been unintentionally delayed.

The application file is being forwarded to Technology Center 3671 for appropriate action on the concurrently filed response.

Any questions concerning this matter may be directed to Erik Kielin at (571) 272-6051, or in his absence, the undersigned at (571) 272-3217.

Karen Creasy for

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy